

**STATE OF WEST VIRGINIA**

**PRELIMINARY PERFORMANCE REVIEW OF THE**

**Division of Protective Services**

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**Capitol Complex Safety and  
Security Has Increased Since  
the Creation of the Division  
of Protective Services**

**Division Failed to Fulfill  
Statutory Mandates Timely**

**OFFICE OF LEGISLATIVE AUDITOR  
Performance Evaluation and Research Division  
Building 1, Room W-314  
State Capitol Complex**

**CHARLESTON, WEST VIRGINIA 25305  
(304) 347-4890**

**August 2001**

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## **Executive Summary**

The Division of Protective Services was created by the Legislature in 1998 to provide safety and security for the capitol complex and other state facilities. This is the Division's first Performance Evaluation. This review identifies two issues, briefly described below.

### **Issue 1: Capitol Complex Safety and Security Has Increased Since the Creation of the Division of Protective Services**

Capitol complex needs for security that are addressed by the Division vary from providing consultation to agencies and being present during the termination of an employee to making arrests. According to the Division's strategic plan, the Division officers investigate all crimes on State government grounds and spend much time investigating and prosecuting cases involving thefts of State and personal property. A security camera system has been installed and continues to be expanded. These cameras aid in providing unobtrusive observation that has increased security but has done so without giving any appearance of restricting access to government. Handheld metal detectors, as well as a walk-through version, have been purchased and although not used routinely, if a situation was determined to warrant a metal detector, the Division now has the means to use that type of hardware. While a contract security company is utilized, it is considered to be more visible and employees have to meet more employment qualifications before being placed.

### **Issue 2: Division Failed to Fulfill Statutory Mandates Timely**

The Division of Protective Services failed to fulfill three required mandates in a timely manner. Statute required the Division to propose legislative rules for promulgation and file with the Secretary of State an interagency agreement between the secretaries of the Department of Administration and the Department of Military Affairs and Public Safety. The interagency agreement was also to be delivered to the Governor and both houses of the Legislature by July 1, 1999. The third mandate required the Division to deliver monthly status reports to the House Speaker and the Senate President. The first two requirements were not met until this review began and the monthly status reports are still not provided to the House Speaker and Senate President. During the evaluation the Division began taking steps to come into compliance with statute.



## **Review, Objective, Scope and Methodology**

The preliminary performance review of the Division of Protective Services, formerly the Facilities Protection Division, is required by the West Virginia Sunset Law, Chapter 4, Article 10, Section 5. The Division was established for the purpose of providing safety and security to individuals who visit, conduct business or work at the capitol complex and other state facilities.

The objective of this review is to determine if the Division is meeting its mandates to propose legislative rules, provide the Legislature with monthly status reports and maintain and properly file an interagency agreement. Further the review examined if the Division's directive to provide for the safety and security of persons on the capitol complex is being met.

The methodology included discussions with the Division's Director and Deputy Director. A review was made of information provided by the agency including policies adopted by the Division and its strategic plan as well as expenditure schedules, governing statute, the contract for security guards and contact with the Secretary of State's office and both houses of the Legislature.

This review covers the period from the program's inception in 1998 through June 2001.



## **Background**

The Division of Protective Services was created in 1998 as the Facilities Protection Division. A year after creation it was given its current name. The purpose of the Division is to provide safety and security at the capitol complex and other state facilities.

The Division is organized under the Department of Military Affairs and Public Safety. There are seven positions in the Division, including the Director and Deputy Director and four other officers. Additionally the Division has contracted with a contract security company to provide security service for the entire capitol complex 24 hours a day, seven days a week, 52 weeks a year.

Pursuant to statute the Director of the Division is appointed by the Governor, with the advice and consent of the Senate. Statute requires the Director's qualifications include at least ten years of service as a law-enforcement officer with at least three years of supervisory law-enforcement position, the successful completion of supervisory and management training, and the professional training required for police officers at the West Virginia state police academy or an equivalent professional law-enforcement training at another state, federal or United States military institution.

The Division was funded at \$1,000,000 in FY 2000. The Department of Administration pays the contract security agency \$492,000 a year out of funds obtained from the complex meter parking, parking tickets and the parking fee state employees are charged.

There are 21 cameras in the parking garage, 45 external cameras and 118 internal cameras throughout the capitol complex. These cameras are monitored 24 hours a day, every day of the year.



## **Issue 1: Capitol Complex Safety and Security Has Increased Since the Creation of the Division of Protective Services**

As a result of Joint Legislative Committee on Security meetings, security procedures at the capitol complex were noted and reported to the Senate President and House Speaker in 1997. Included in the report were incidents of offices broken into, the perception that there was little security at the complex, that there was no presence of security hardware or cameras, that there were no means of detecting weapons, that there was no central authority for security at the complex and employees were confused as to what they should do or who they should call when help was needed, and that government and its employees have a right to safety which is just as important as public access. **With the creation of the Division of Protective Services (DPS) in 1998 there have been numerous advancements that have enhanced security at the capitol complex.**

Capitol complex needs for security that are addressed by the Division vary from providing consultation to agencies and being present during the termination of an employee to making arrests. According to the Division's strategic plan, Division officers investigate all crimes on State government grounds and spend much time investigating and prosecuting cases involving thefts of State and personal property. Incidents the Division has logged are presented in Appendix B. The contract security company's statistics can be viewed in Appendix C. A security camera system has been installed and continues to be expanded (see pictures below). These cameras aid in providing unobtrusive observation that has increased security but has done so without giving any appearance of restricting access to government. Handheld metal detectors, as well as a walk through version, have been purchased and although not used routinely, if a situation was determined to warrant a metal detector, the Division now has the means to use that type of hardware. While a contract security company is still utilized, it is considered to be more visible and employees have to meet more employment qualifications before being placed.



**Entry Metal Detector**



**Security Camera on top of Building 3**

## **Command Station Installed and Equipped with Camera Monitors and Computers Linked to Offices with Proximity Card Access**

An initial stage in implementing security was the implementation of a 24-hour, 365 days per year manned capitol security command center. The command center is equipped with security cameras as well as a radio communication station for all security personnel. The television monitors have the capabilities of showing multiple views of the capitol complex.



**Security Command Center**



**Security Command Center**

The command center monitors forty-five strategically placed external cameras throughout the capitol complex. There are also twenty-one cameras in the new parking garage and thirty-five in various capitol complex buildings. The main building is being installed with eighty-three cameras. Security cameras video tape and the tapes are kept for one month.



**Security Camera outside of  
West Wing**



**Security Camera on  
Governor's Drive**



**Security Camera outside of Building 5**



**Camera on First Floor of Building 5**

The command center is also incorporated with a state-of-the-art digital radio communication system. This system is linked to all security personnel, which includes the Division of Protective Services and the contract security officers. The division's goal is to expand this system to include other state and federal agencies during special events and disasters. Proximity card access readers have been installed in several offices including Senate offices, the daycare center, the Diamond office building, and Building 4. Senate offices with proximity card access are linked electronically to the Division's command center where each authorized entry registers the date and time and the cardholder. Entries made without an authorized card also register date and time as well as indicate on a monitor in the command room that entry was made unauthorized.



**Proximity Card  
Access Reader**



**Senate Chambers  
Side Entrance with  
Access Card Reader**

Since its inception, the Division of Protective Services has expended nearly \$800,000 in equipment. Seventy percent of the expenditures has been on the purchase and installation of surveillance cameras (see Table 1).

**Table 1**  
**Security Equipment Purchases**  
**1999-2001**

Type of Equipment	1999	2000	2001*
Cameras		\$466,770	\$93,200
Weapons	\$3,969	\$740	\$3,017
Metal Detectors		\$24,795	
Communications	\$12,387	\$180,278	\$7,801
<b>Total</b>	<b>\$16,356</b>	<b>\$672,583</b>	<b>\$104,018</b>
* As of June 2001			

### **New Contract Security Personnel**

Shortly after the Division's creation, the supervision and authority of the contract security guards were transferred to the Division from the General Services Division within the Department of Administration. Per the required interagency agreement, the Department of Administration pays for the employment of security guards and the Department of Military Affairs and Public Safety has supervisory responsibility over the contract security guards.

When the Division obtained the supervision and authority of the contract security guards, it felt the existing contract companies hiring criteria was not adequate. The majority of the Division's initial investigations revolved around the misconduct of some security guards. Examination of the contract revealed the company did not require any type of qualifications to be a guard and additionally a high turnover of guards existed.

The current contract sets stringent standards including drug and alcohol tests, criminal background checks, and physical fitness testing. Competitive pay and benefits package are an attempt to create a more stable workforce.

### **Uniformity of Response Needed**

Centralizing security at the complex was a reason the Division was created. Consideration should be given by the Division to develop response guidelines for state agencies to follow in the event of an emergency. Protecting employees from workplace violence is a growing concern. A

review of security and emergency plans for the capitol complex reveals dated plans and a lack of planning for certain circumstances. There is a need for state agencies located in the capitol complex to have a uniform understanding of how to respond to certain types of emergencies, such as bomb threats, violent behavior from employees and the public, etc., and who to contact.

The General Services Division of the Department of Administration is the depository of emergency plans for some of the capitol complex buildings; however, the main Capitol building along with others are without a plan at all. Consideration should be given by the Division to provide all agencies within every building of the capitol complex with guidelines on appropriate responses to various types of emergencies.

## **Conclusion**

The Division of Protective Services was created to enhance security on the capitol complex. This has been accomplished through the installation of security equipment and through the presence of trained personnel. The agency responds to capitol complex employee requests for emergency and non-emergency police services, investigates reported criminal violations and assumes primary responsibility for policing the complex. The service the agency was created to provide is ongoing and thus the need for the agency is dependent on the continued need for the security service. To enhance security further, the Division should consider developing uniform response guidelines for all state agencies within the capitol complex.

## **Recommendation 1:**

*The Division of Protective Services should consider developing guidelines for uniform responses to various types of emergencies for all state agencies within the capitol complex.*



## **Issue 2: Division Failed to Fulfill Statutory Mandates Timely**

The Division of Protective Services failed to fulfill three required mandates in a timely manner. Statute required the Division to propose legislative rules for promulgation and file with the Secretary of State an interagency agreement between the secretaries of the Department of Administration and the Department of Military Affairs and Public Safety. The interagency agreement was also to be delivered to the Governor and both houses of the Legislature by July 1, 1999. The third mandate required the Division to deliver monthly status reports to the House Speaker and the Senate President. The first two requirements were not met until this review began and the monthly status reports are still not provided to the House Speaker and Senate President. During the evaluation the Division began taking steps to come into compliance with statute.

### **Legislative Rules Not Proposed Timely**

As stated in §15-2D-3(c)(1) of statute, the Division was to propose legislative rules for promulgation by July 1, 1999. As required in statute the rules are to include at a minimum a personnel policy and grievance procedures; the ranks and duties of officers of the division; and the qualification, training, and certification requirements of the Division including the basic academy training standards established by the governor's committee on crime, delinquency and prevention.

On June 27, 2001 the Division submitted rules for promulgation with the Secretary of State's Office. It is the opinion of the Legislative Auditor that these rules do not sufficiently fulfill the statutory requirements. The primary concern of the Legislative Auditor is the incorporation by reference in the proposed rules. The Division, in each of the four series of rules proposed, makes reference to other agency's rules or sections of statute (see Appendix D). Incorporating by reference lacks fluidity. If the document referred to changes, the rule in question does not change. The Division did not file with the proposed rule the documents it is incorporating. Should those documents change it may become difficult for someone to obtain the incorporated version in the event or even to know that the version that was in effect at the time the rule became effective is the incorporated version.

Other than this primary concern, there are other shortcomings with the rules that in all likelihood would be addressed during the rule making procedure. The proposed rules also fail to indicate who is authorized to be a law-enforcement officer which is of importance because according to statute the Division Director is to specify which members are authorized to carry weapons without a license. According to the proposed rule "member" is defined as any employee authorized as a law-enforcement officer. The Legislative Auditor feels these proposed rules have risen more questions than they have provided answers.

### **Interagency Agreement Not Properly Filed or Delivered Timely**

Statute, §15-2D-3(c)(2), requires the secretaries of the Departments of Administration and Military Affairs and Public Safety to enter into an interagency agreement enumerating the respective rights and authorities of the departments under any contracts or subcontracts for security personnel.

The Division was to file the agreement with the Secretary of State and deliver a copy to the Senate President's Office, House Speaker's Office and the Governor's Office by July 1, 1999. This agreement was not filed with the Secretary of State's office until May 25, 2001. The Senate President's Office, House Speaker's Office and the Governor's Office also did not receive a copy for almost two years or until May 25, 2001. This interagency agreement details the amount of money the contract security company is to be paid by the Department of Administration, that the supervision of the security company is charged to the Department of Military Affairs and Public Safety, and a clause to provide that the agreement is contingent upon available or appropriated funds.

### **Monthly Status Reports Have Not Been Delivered**

Another mandate required by §15-2D-3(c)(3) is for the Division to provide monthly status reports to the Senate President and House Speaker. This has not been done. Without monthly reports the Legislature is unable to determine whether or not it needs to adjust its security needs which under the provisions of statute do not exist. The monthly status reports to the Legislature would be useful in the Legislature's determination of the appropriated funds needed to provide the appropriate level of security and whether or not it is in the State's best interest to continue with the contract security currently in place or to have an increased number of trained law-enforcement personnel on the complex.

#### **Recommendation 2:**

*The interagency agreement between the Secretary of the Department of Military Affairs and Public Safety and the Secretary of the Department of Administration, which delineates their respective rights and authorities under any contracts or subcontracts for security personnel, should be annually updated and filed with the required offices including the Secretary of State and each House of the Legislature.*

#### **Recommendation 3:**

*The monthly status reports should be provided to the Senate President and House Speaker as mandated.*